

## HOUSE BILL NO. 744

INTRODUCED BY R. MAEDJE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF ENVIRONMENTAL REVIEW TO ADOPT RULES REQUIRING THAT THE BEST AVAILABLE TECHNOLOGY-BASED TREATMENT BE APPLIED TO WASTEWATER DISCHARGES FROM COAL BED METHANE WELLS; AND AMENDING SECTION 75-5-305, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 75-5-305, MCA, is amended to read:

**"75-5-305. Adoption of requirements for treatment of wastes -- variance procedure -- appeals.**

(1) The board may establish minimum requirements for the treatment of wastes. For cases in which the federal government has adopted technology-based treatment requirements for a particular industry or activity in 40 CFR, chapter I, subchapter N, the board shall adopt those requirements by reference. To the extent that the federal government has not adopted minimum treatment requirements for a particular industry or activity, the board may do so, through rulemaking, for parameters likely to affect beneficial uses, ensuring that the requirements are cost-effective and economically, environmentally, and technologically feasible. Except for the technology-based treatment requirements set forth in 40 CFR, chapter I, subchapter N, minimum treatment may not be required to address the discharge of a parameter when the discharge is considered nonsignificant under rules adopted pursuant to 75-5-301.

(2) The board shall establish minimum requirements for the control and disposal of sewage from private and public buildings, including standards and procedures for variances from the requirements.

(3) The board shall adopt rules requiring that the best available technology-based treatment be applied to wastewater discharges from coal bed methane wells to ensure that the discharges do not degrade any beneficial uses or negatively impact aquatic life or plant life. The board shall ensure that the technology requirements are cost-effective and economically, environmentally, and technologically feasible.

~~(3)~~(4) An applicant for a variance from minimum requirements adopted by a local board of health pursuant to 50-2-116(1)(i) may appeal the local board of health's final decision to the department by submitting a written request for a hearing within 30 days after the decision. The written request must describe the activity

1 for which the variance is requested, include copies of all documents submitted to the local board of health in  
2 support of the variance, and specify the reasons for the appeal of the local board of health's final decision.

3 ~~(4)~~(5) The department shall conduct a hearing on the request pursuant to Title 2, chapter 4, part 6.  
4 Within 30 days after the hearing, the department shall grant, conditionally grant, or deny the variance. The  
5 department shall base its decision on the board's standards for a variance.

6 ~~(5)~~(6) A decision of the department pursuant to subsection ~~(4)~~ (5) is appealable to district court under  
7 the provisions of Title 2, chapter 4, part 7."

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